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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,337	09/26/2003	Rami Caspi	12003P08216US	9686

7590 09/20/2005

Attn: Elsa Keller, Legal Administrator
Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER	
CAI, WAYNE HUU	

ART UNIT	PAPER NUMBER
2681	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/672,337	CASPI ET AL.	
	Examiner	Art Unit	
	Wayne Cai	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6 and 8-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6, and 8-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 18 is objected to because of the following informalities:

   - Claim 18 should **not** be dependent up on claim 14.

   Appropriate correction is required.

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution (**Claim 7 is missing**). When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 8-9, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Murray (US – 6,484,033 B2).

Regarding claim 8, Murray discloses a telecommunications device, comprising:

- a positioning controller adapted to determine positioning information for said telecommunications device (fig. 2, elements 79, 92, and 94; and its descriptions);
- a cellular telephone controller adapted to receive said positioning information from said positioning controller (col. 8, lines 38-42) and cause said positioning information to be transmitted to an associated server (col. 5, lines 6-9, and col. 6, lines 15-43);
- a database controller for maintaining a database of position-presence correlation rules defining when said positioning information is to be transmitted (col. 4, line 60 – col. 5, line 9).

Regarding claim 9, Murray discloses a telecommunications device as recited in claim 8. Murray also teaches wherein said positioning controller receives Global Positioning System (GPS) signals to determine said positioning information (fig. 1, element 81 and its descriptions).

Regarding claim 12, Murray discloses a telecommunications device as recited in claim 10. Murray also discloses wherein said cellular telephone controller transmits changes to location status to said associated server (col. 5, lines 6-9).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-6, 10, and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray in view of Preston et al. (hereinafter Preston) (US – 6,144,336).

Regarding claim 1, Murray a telecommunications system, comprising:

- a plurality of network clients (fig. 2, element 32) including a positioning controller (element 79) and a communications controller (elements 92 & 94);
- a positioning server including a coordinating controller (col. 6, lines 31-43) for maintaining a database of network clients to be tracked and provide updates of position-related information to a presence server (col. 4, line 60 - col. 5, line 9);
- wherein said plurality of network clients are configured to transmit position information received via said positioning controller to said positioning server via said communications controller (col. 6, lines 15-31)

Murray, however, fails to disclose said positioning information including information related to loss of a position signal.

In a similar endeavor, Preston discloses a system and method to communicate time stamped, 3-axis geo-position data within telecommunication networks. Preston also discloses wherein said positioning information including information related to loss of a position signal (col. 26, lines 58-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a loss of a position signal as another parameter as desired, and using that information in locating or identifying the location of the device.

Regarding claim 2, Murray and Preston disclose a telecommunications system in accordance with claim 1, except for wherein said plurality of network clients are configured to associate said loss of said position signal with being inside a building. It is however obvious to one skilled in the art that the loss of global signal could be caused by any reasons such as an obstruction of buildings, trees, or any other areas that are not clear. Hence, the loss of position signal with being inside a building is obvious and not novel.

Regarding claim 3, Murray and Preston disclose a telecommunications system in accordance with claim 2. Preston also discloses wherein said communications controller is adapted to transmit a position update to said positioning server upon a loss of said position signal (col. 26, lines 45-57).

Regarding claim 4, Murray and Preston disclose a telecommunications system in accordance with claim 3. Preston also discloses wherein said communications controller is adapted to transmit said position update upon said loss of said position signal (col. 26, lines 45-57), except for disclosing only transmit if said loss is correlated with a predefined position-presence correlation rule. Murray, however, discloses the transmission is correlated with a predefined position-presence correlation rule (col. 4, line 60 – col. 5, line 9). Hence, transmit said loss signal in accordance with the rule is also obvious to one skill in the art.

Regarding claim 5, Murray and Preston both disclose a telecommunications system in accordance with claim 4. Murray also discloses wherein said position signals comprise global positioning system signals (fig. 2, element 81).

Regarding claim 6, Murray and Preston disclose a telecommunications system in accordance with claim 5. Murray also discloses wherein said communications controller is a cellular telephone controller (col. 3, line 65 – col. 4, line 8).

Regarding claim 10, Murray discloses a telecommunications device as recited in claim 9, except for wherein said position-presence correlation rules include loss of a GPS signal.

In a similar endeavor, Preston discloses a system and method to communicate time stamped, 3-axis geo-position data within telecommunication networks. Preston also discloses wherein said position-presence correlation rules include loss of a GPS signal (col. 26, lines 45-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the loss of GPS signal to locate the location of the device prior the loss of signal.

Regarding claim 13, Murray discloses a telecommunications device as recited in claim 12, except for wherein said cellular telephone controller is adapted to transmit a position update to said associated server upon a loss of said position signal.

In a similar endeavor, Preston discloses a system and method to communicate time stamped, e-axis geo-position data within telecommunication networks. Preston also discloses wherein said communications controller is adapted to transmit a position

update to said positioning server upon a loss of said position signal (col. 26, lines 45-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate, and modify Preston's invention so that the position of the device could be updated at the server.

Regarding claim 14, both Murray and Preston disclose a telecommunications device in accordance with claim 13. Preston also discloses wherein said communications controller is adapted to transmit said position update upon said loss of said position signal (col. 26, lines 45-57), except for disclosing only transmit if said loss is correlated with a predefined position-presence correlation rule. Murray, however, discloses the transmission is correlated with a predefined position-presence correlation rule (col. 4, line 60 – col. 5, line 9). Hence, transmit said loss signal in accordance with the rule is also obvious to one skill in the art.

Regarding claim 15, Murray discloses a telecommunications method, comprising:

- receiving one or more user positioning and presence correlation rules at a server, wherein positioning information is received from remote users having positioning controllers for receiving location information and communication controllers for transmitting said location information to said server via a wireless communication network (col. 3, lines 10-53);
- transmitting said one or more positioning and presence correlation rules to at least one of said remote users (col. 6, lines 15-31);

except for disclosing wherein said one or more positioning and presence correlation rules include loss of a positioning signal.

In a similar endeavor, Preston discloses a system and method to communicate time stamped, 3-axis geo-position data within telecommunication networks. Preston also discloses wherein said one or more positioning and presence correlation rules include loss of a positioning signal (col. 26, lines 45-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the loss of GPS signal to locate the location of the device prior the loss of signal.

Regarding claim 16, Murray, and Preston disclose a telecommunications method in accordance with claim 15. Murray further discloses: receiving positioning updates at said remote user (col. 3, lines 24-60); and transmitting presence updates to said server as specified in said one or more positioning and presence correlation rules (col. 6, lines 15-59).

Regarding claim 17, Murray and Preston both disclose a telecommunications method in accordance with claim 16, except for wherein said loss of positioning signal is defined as being inside a building. It is however obvious to one skilled in the art that the loss of global signal could be caused by any reasons such as an obstruction of buildings, trees, or any other areas that are not clear. Hence, the loss of position signal with being inside a building is obvious and not novel.

Regarding claim 18, Murray and Preston both disclose a telecommunications method in accordance with claim 14. Preston also discloses wherein said

communication controller is adapted to transmit a position update to said associated server upon a loss of said position signal (col. 26, lines 45-57).

Regarding claim 19, Murray and Preston disclose a telecommunications method in accordance with claim 18. Preston also discloses wherein said communication controller is adapted to transmit said position update upon said loss of said position signal (col. 26, lines 45-57), except for disclosing only if said loss is correlated with a predefined positioning and presence correlation rule. Murray, however, discloses the transmission is correlated with a predefined position-presence correlation rule (col. 4, line 60 – col. 5, line 9). Hence, transmit said loss signal in accordance with the rule is also obvious to one skill in the art.

Regarding claim 20, Murray and Preston both disclose a telecommunications method in accordance with claim 19. Murray also discloses wherein said loss of signal is associated with a hysteresis threshold (col. 6, lines 21-60).

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murray.

Regarding claim 11, Murray discloses a telecommunications device as recited in claim 10, except for wherein said loss of said GPS signal is defined to indicate being inside a building. It is however obvious to one skilled in the art that the loss of global signal could be caused by any reasons such as an obstruction of buildings, trees, or any other areas that are not clear. Hence, the loss of position signal with being inside a building is obvious and not novel.

Double Patenting

8. Claims 1-20 of this application conflict with claims 1-23 of Application No. 10/672,367. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Claims 1-20 of this application conflict with claims 1-20 of Application No. 10/672,899. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Claims 1-20 of this application conflict with claims 1-16 of Application No. 10/672,621. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Cai whose telephone number is (571) 272-7798. The examiner can normally be reached on Monday-Friday; 9:00-6:00; alternating Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wayne Cai
Examiner
Art Unit 2681

ERIKA A. GARY
PRIMARY EXAMINER